IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.3419 of 2006

Bindu Udaybhan Singh — Petitioner

Vs.

The Samastanagar Co-op. Bank Ltd. & ors. — Respondents

Mr.Avinath Fatangare h/f. Mr.P.D.Jadhav for petitioner.

Mr.K.J.Hakani for Resp.No.1.

Ms.V.Mhaispurkar, AGP for Resp.No.2.

CORAM: B.H.MARLAPALLE,J.

August 02, 2006.

P.C.

. The learned counsel for the petitioner at the threshold went on to state that the petitioner was never granted any loan amount and, therefore, there was no question of recovery. This statement was perhaps based on the reply dated 7/10/1999 given by the petitioner to the Bank's Manager. I, therefore, called upon the learned counsel for the Bank to submit the loan papers before me and from the same it is clear that the petitioner signed the loan

agreement on 23rd April 1998 and she was sanctioned the loan of Rs.1,00,000/- with the EMI amount of Rs.2857/- and interest of Rs.1250/-. She further signed the demand receipt on 23/4/1998, letter of continuing security on the same date and the hypothecation of moveable machinery i.e. computer which she was supposed to buy from the said loan amount sanctioned. The statement of accounts for the said loan for the period from 23/4/1998 to 31/3/1999 indicates that the petitioner repayed an amount of Rs.3,500/- each on 8/5/1998 and 16/6/1998. Similarly on 30/9/1998 she repayed an amount of Rs.7000/- and on 31/3/1999 she repaid an amount of Rs.14,000/-. But it appears that she was not regular in discharging her liability of paying the EMI with interest and, therefore, the total outstanding came t Rs.1,11,940/- at the end of March 2001 and the interest rate agreed was 15% per annum.

. The revisional authority i.e. the Divisional Joint Registrar, Co-operative Societies, Mumbai rejected the revision application on 21/1/2004 and confirmed the certificate dated 23/10/2002 issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

. There is no case made out to interfere in the impugned order. The petition is, therefore, rejected summarily.

(B.H.MARLAPALLE,J.)